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**Government Administrations and Elections Committee  
Public Hearing Testimony  
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Good morning once again to the GAE Committee—Chairman Musto, Chairman Jutila, and members. For the record, my name is Denise Merrill and I am the Secretary of the State of Connecticut. There are many bills on your agenda today, and many bills that affect the conduct and administration of elections in our state. I will make some brief comments on a few bills before you today and I will be happy to take questions afterwards.

**H.B. No. 5478 AN ACT CONCERNING ATTEMPTED ILLEGAL VOTING**

This bill would make it a crime to attempt to vote more than once on Election Day. Currently, Connecticut General Statutes 9-360 makes it a felony punishable by a fine of up to \$500 and two years imprisonment for someone to vote twice in elections, primaries or referenda. It is also a felony to attempt to vote fraudulently by impersonating another voter, but you may be surprised to learn that there is currently no prohibition on the books against a voter who attempts to vote more than once in different voting districts or municipalities. This should be corrected and a penalty should be in place to serve as an effective deterrent against those who might attempt to game the system and vote twice.

This issue came to our attention from the registrars of voters in New Britain and Berlin, who reported an incident to the State Elections Enforcement Commission (SEEC) shortly following the municipal elections in November 2013. The local election officials reported to SEEC that an individual came to New Britain City Hall on Election Day 2013 and presented themselves as a voter who just moved to town from Berlin. The voter presented the required materials to become a registered voter and cast a ballot. As required by law, the New Britain registrar had also called Berlin then removed that person's name from their eligible voter list and informed the moderator at the appropriate polling location.

However, the registrars in Berlin reported that this same individual later in the day showed up at their old polling place and presented himself to the checker to vote. The checker then found the person's name and saw that it was removed from the list and informed the voter of this. According to the registrars of voters in Berlin, the individual then left the polling place. So we can see that the human system of checks and balances *worked*. According to this account, the security system we have in place prevented this individual from voting in two different municipalities on Election Day. That is a good thing.

On November 29, 2013, the Registrar of Voters in Berlin reported these events to the State Elections Enforcement Commission in the form of a complaint, seeking a penalty against the individual for attempting to vote twice on Election Day. The SEEC responded about 10 days later in the form of a letter saying they would take no action on the matter, pointing out that the complaint does not allege a violation of the law. In the letter, an attorney with the SEEC wrote that while the law prohibits an individual from voting twice, there is no such prohibition against an attempt to vote twice.

So, as I stated earlier, I think we should change the law to fix this discrepancy and tighten the rules for attempting to vote twice. Let's give the State Elections Enforcement Commission the tools they need to hold voters accountable for potentially fraudulent activities on Election Day. In my opinion, this strengthened penalty would serve as an effective deterrent against such behavior in the future, and I urge passage.

H.B. No. 5480: AN ACT CONCERNING REGISTRARS OF VOTERS, THE AUTHORITY  
OF THE SECRETARY OF THE STATE AND THE STATE ELECTIONS ENFORCEMENT  
COMMISSION AND THE POSTING OF REQUIREMENTS FOR VOTER  
IDENTIFICATION

This bill will do several things, including require each municipality to provide an internet connection for the Registrar of Voters to improve communication with the Secretary of the State's office. It would also require each Registrar to follow the instructions issued by the

Secretary of the State's office. This will help improve consistency among local officials and to be executed and carried out by local election officials. The bill also addresses the posting of identification requirements at each polling location.

This bill has three parts, which should improve the administration of elections. The first part mandates that each town provide its Registrar of Voters with access to the Internet and the ability to communicate by email with the Secretary of the State's Office. It is frustrating to find that there are still towns in which the Registrars of Voters do not have a hard wired Internet connection in town offices.

There has been some confusion with this issue in the past. So let me be clear. This Internet access provision should not be confused with the Centralized Voter Registration System (CVRS), which all towns have, provided by the state. CVRS is a closed loop computer network system, so although a Registrar of Voters may have a computer linked to CVRS, this does not mean the ROV has Internet access. That is just unfathomable in an era where so many transactions are conducted online—and indeed much information is being transferred to Registrars of Voters from our office via the Internet. More and more elections functions are moving to web-based applications.

I am happy to report that the number of towns whose Registrars do not have Internet has been shrinking over time, but I am concerned that there are still outliers. According to the latest information I have from the Registrars of Voters Association, Registrars in the following towns have no Internet access in their offices: East Windsor, North Canaan, Sterling, Scotland and Wallingford.

This component of the bill shouldn't be seen as a "mandate on towns" but rather a way to bring the last few towns in line with the rest of the state so that my office can ensure that we have equitable resources in every jurisdiction. So much of our efficiency and effectiveness depends on Internet access, including online voter registration, access to moderator and poll-worker manuals and statutes, reliable email service, just to name a few. So it is essential that all Registrars of Voters have access to the Internet.

The second part of the bill clarifies authorities granted to the Secretary of the State under General Statutes 9-3. Under 9-3, the Secretary of the State is the commissioner of elections, and under current law, rulings and instructions from my office are "presumed to be correct," subject to administrative appeal. It follows that if instructions from my office are presumed to be correct, they should be followed uniformly by all elections officials in the state, but that is not the case.

Local elections officials have a solemn duty to ensure that all eligible citizens can register and vote. Voting, of course, is a fundamental right, regardless of where in Connecticut it is exercised. It is vitally important that elections laws be applied equally, fairly and uniformly in all 169 cities and towns. This bill would require local elections officials to follow the rulings and guidance from our office.

Our election system is very locally-controlled. In fact it is controlled by two individuals with equal authority from opposite parties. This is a very challenging structure because if everyone is in charge then no one is in charge. Clarity on this matter will not only help to resolve problems that arise on Election Day, but also help with other administrative functions such as the timeliness of inputting voter history, or implementing redistricting.

To ensure accountability, this bill also has an enforcement provision through possible reference to the State Elections Enforcement Commission for election administrators who do not follow guidance from this office. The bill and the current law preserve the right of a local official to file an administrative appeal if a local official disagrees with a ruling.

The third part of this bill requires the Secretary of the State to produce and distribute a poster showing the various forms of acceptable voter ID that can be used on Election Day. This is a good idea because it is better to have the ID requirements be uniform across the state than the different messages on this important issue that have emerged from local registrars of voters.

Overall, I think this bill will ultimately streamline the administration of elections in Connecticut and cut down on voter confusion during Election Day, and I urge passage.

#### H.B. No. 5492 AN ACT CONCERNING A DEMONSTRATION PROJECT FOR THE USE OF ELECTRONIC EQUIPMENT FOR CONDUCTING AUDITS

This legislation creates a pilot program, which allows for the testing of technology computer assisted audits held in conjunction with 9-320f. After every election 10% of precincts are selected by random drawing for what is called a post-election audit. The purpose of this audit is to check that the machines are operating correctly. This process requires a manual count to be performed to compare against the machines. It is the strongest audit practice in the country, and I firmly believe that it has helped to demonstrate the integrity of our election system to the public.

Because the selection of polling places is random, towns do not budget for this requirement. And, so there have been many efforts over the years to change the criteria or the number of locations selected. I am sensitive to the difficulties of budgeting at the local level, but I think that my approach of using new technology will go far in alleviating the cost burden to towns.

Since 2011, the UCONN VOTER Center under the director of nationally renowned Computer Science professor Alex Shvartsman, has been developing a cutting edge software prototype that will automate the post-election audit process. The project was funded by a competitive federal voting technology grant. This has the potential to save municipalities time and money, simplifying the post-election audit process while not diluting the strength or the integrity of this critical check and balance on our optical scan vote tally machines.

Not only that, but this new software is something states and other countries that use optical scan voting technology can all use and we know they are very interested in the research and development happening at the VOTER Center on this project. The idea is that using the automation software in combination with high-speed scanners, we could create images of hundreds if not thousands of ballots in a matter of minutes instead of the hours it can currently take. These hours can cost money.

By using the new software prototype with the high-speed scanners, the registrars running the post-election audits can fulfill the statutory requirements and report their findings for analysis to the UCONN Voter Center without any dilution in the quality of the audit, as other proposals before you today would do. We are at a stage now where the technology has been developed, and now we need to move into the testing phase before we make this widely available in Connecticut.

Therefore, we would like the authorization from the Connecticut General Assembly to launch a pilot program so we can test this new technology. We are very excited about the potential of this new technology so we can save municipalities both time and money, since currently the post-election audits are performed by manual hand counts, which are labor intensive.

At this point I would be happy to take questions.

